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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1772 OF 2017

Mr. Mohammad Nasruddin Akram Khan

... Applicant

V/s.

The State of Maharashtra .

...Respondent

Mr. M.A. Shaikh i/b Mohd. Muqim Khan for Applicant.

Ms. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 20th FEBRUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.202 of 2016 dated 12.9.2016 registered with Bhiwandi Taluka Police Station, District-Thane now culminated into Sessions Case No.75 of 2017 under Sections 395, 397, 341, 120(B), 412, 201 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] It is the prosecution case that, the applicant alongwith other accused persons committed dacoity on a vehicle owned by Supreme Infrastructure Co. on 12.9.2016 at 2.50 p.m on Kalwar-Karivli road. That the accused persons assaulted injured witness Abhijt Pawar with sharp-edged weapon and looted approximately an amount of Rs.33.50 lakhs from the said vehicle. During the course of investigation, the applicant came to be arrested on 12.9.2016 and after completion of investigation the police have submitted chargesheet.

4] It is the prosecution case that, a sum of Rs.6,17,500/- has been recovered at the instance of applicant which according to Investigating Agency was the proceeds of crime came to the share of the applicant. Prima facie, there is no material available on record to establish the fact that the said amount recovered from the applicant was the amount of said Supreme Infrastructure India Ltd., as there are no identification marks and/or wrappers on the said cash exhibiting its identification. Prima facie it further appears that apart from it no other role is attributed to the applicant in the present crime.

5] In view thereof, the applicant can be released on bail.

Hence the following Order:

(i) The applicant be released on bail in CR No. 202 of 2016 registered with Bhiwandi Taluka Police Station now culminated into Sessions Case No.75 of 2017 on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the Bhiwandi Taluka Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till conclusion of trial.

(iii) Applicant shall also attend all the dates before the Trial Court.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)